



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/151674

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 27, 2013, under Wis. Stat. § 49.45(5)(a), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on September 17, 2013, at Kenosha, Wisconsin.

The issue for determination is whether an August 2013 BadgerCare+ application was correctly denied because Petitioner was placed in a restrictive reenrollment as of December 2012.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Karen Mayer

Racine County Department of Human Services  
1717 Taylor Ave  
Racine, WI 53403-2497

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. Petitioner applied for BadgerCare+ in August 2013. That application was denied as Petitioner was in a 12 month restrictive re-enrollment for failing to pay a premium.
3. In 2012 Petitioner was a recipient of BadgerCare+ Medicaid. She had a premium obligation and was notified of that via Notice of Decision dated August 30, 2013.

4. Petitioner did not pay the November 2012 premium and on November 19, 2012 Petitioner was sent a Notice of Decision that informed her that her BadgerCare+ was being discontinued effective December 1, 2013 for failing to pay the premium. The notice was sent to Petitioner at the above address. It also informed Petitioner of the restrictive reenrollment and contained appeal instructions. The appeal deadline was January 16, 2013 and no appeal was filed.
5. Petitioner had health insurance coverage beginning in January 2013 through her employer.

### **DISCUSSION**

Petitioner contends that she voluntarily quit BadgerCare+ because she had coverage through her employer and that she had conversations with the BadgerCare+ program through an '800' number that led her to believe that she had a six month restrictive reenrollment.

A BadgerCare+ recipient can quit BadgerCare+ without a restrictive reenrollment where the reason for quitting is because of availability of other insurance:

#### **19.11.3 Quitting BC+**

In order for BC+ to be cost-effective, premium-paying members will not be able to pick and choose when they want to pay premiums and receive BC+ benefits. Therefore, if a premium-paying BC+ member decides to quit the program, they will remain ineligible for:

- 6 months if they are a child under age 19,
- 12 months if they are an adult age 19 or older, or
- until their income drops below the premium threshold, whichever happens first.

An RRP will not apply if a BC+ member requests to quit BC+ prior to when an initial premium would be owed. If the request is not made in time to terminate eligibility with timely notice, the member is still entitled to the benefit and is not required to pay the premium. However, any arrears must be paid before they can again be eligible with a premium, unless the BC+ group has not been required to pay BC+ premiums for 12 months.

If the request to quit BC+ is made in the premium benefit month, an RRP will be applied if the premium is not paid by Adverse Action of the benefit month unless there is a good cause.

*BEH, §19.11.3. example omitted.*

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#### **19.11.4 Good Cause for Quitting BC+**

Do not apply the RRP when an individual who owes a premium for quitting BC+ in the current month voluntarily quits BC+ for these reasons:

1. No person is non-financially eligible for BC+.
2. The individual moved out of Wisconsin.
3. Health insurance became available for the individual.
4. The individual is now eligible without a premium.
5. The individual has an increase in income that makes them BC+ ineligible.

*BEH, § 19.11.4*

Here there is no evidence that Petitioner informed the agency that was quitting BadgerCare+ as of January 2013; rather, she did not pay the premium for December 2012. This does not constitute good cause.

**CONCLUSIONS OF LAW**

That Petitioner's August 2013 BadgerCare+ application was correctly denied as Petitioner was in a restrictive re-enrollment.

**THEREFORE, it is**

**ORDERED**

That this appeal is dismissed.

**REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 14th day of November, 2013

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\sDavid D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on November 14, 2013.

Racine County Department of Human Services  
Division of Health Care Access and Accountability